

10/501933

PATENT  
ATTORNEY DOCKET NO.: 044921-5038-02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Donna L. MENDRICK, et al. )  
U.S. Application No.: 10/501,933 ) Group Art Unit: Unassigned  
International Appln. Filing Date: PCT/US03/03194 )  
Date of National Stage Entry: July 20, 2004 ) Examiner: Unassigned

For: MOLECULAR HEPATOTOXICOLOGY MODELING

Commissioner of Patents  
MAIL STOP PCT

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed August 27, 2004.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

Applicant(s) hereby assert small entity status.

5. Fee Calculation

Basic Fee: PCT Application-\$920.00				Previously Paid
	Number Filed	Number Extra	at a Rate of	
Total Claims	65 - 20 =	45	\$18.00 each=	Previously Paid
Independent Claims	12 - 3 =	9	\$86.00 each=	Previously Paid
Multiple dependent claim(s), if any				\$300.00
Missing Requirements Surcharge Fee				\$130.00
				<b>SUB-TOTAL = \$130.00</b>
Reduction by ½ for filing by small entity, if applicable.				
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))				\$130.00
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))				\$130.00
				<b>TOTAL FILING FEE = \$130.00</b>

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$430.00	\$215.00
<input type="checkbox"/> three months	\$980.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:      Completion Fees      \$130.00  
                                    **Total Fee Due**      **\$130.00**

The Commissioner is hereby authorized to charge the total fee of \$130.00 due to Deposit Account 50-0310.

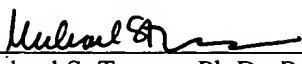
**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

## 8. Additional papers enclosed.

- Assignment & PTO 1595 Cover Sheet
- Preliminary Amendment
- PCT/IB/338 English translation of the International preliminary Examination Report
- Information Disclosure Statement
- Form PTO-1449, 3 documents as listed
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
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Michael S. Tuscan, Ph.D., Reg. No. 43,210

Date: October 27, 2004

**Customer No. 09629**

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10/28/2004 SMAJARO 00000125 500310 10501933

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AUG 30 2004

**UNITED STATES PATENT AND TRADEMARK OFFICE***Eileen*

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/501,933	Donna Mendrick	044921-5038-02

## INTERNATIONAL APPLICATION NO.

PCT/US03/03194

I.A. FILING DATE	PRIORITY DATE
01/31/2003	01/31/2002

**CONFIRMATION NO. 7118**  
**371 FORMALITIES LETTER**


\*OC000000013652957\*

Date Mailed: 08/27/2004

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/20/2004
- Copy of the International Search Report filed on 07/20/2004
- Preliminary Amendments filed on 07/20/2004
- Information Disclosure Statements filed on 07/20/2004
- Biochemical Sequence Diskette filed on 07/20/2004
- Biochemical Sequence Listing filed on 07/20/2004
- U.S. Basic National Fees filed on 07/20/2004

Docketed 8/30/04 Attorney MST/HL/KBC  
 Case 44921-5038-02  
 Due Date 08/27/04  
 Action Missing Requirements  
 By DN Chk BB

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 305-6421

**PART 1 - ATTORNEY/APPLICANT COPY**

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10/501,933	PCT/US03/03194	044921-5038-02

FORM PCT/DO/EO/905 (371 Formalities Notice)